

MARSHA S. MCLAUGHLIN, DIRECTOR, \* BEFORE THE  
DEPARTMENT OF PLANNING \* PLANNING BOARD OF  
AND ZONING \* HOWARD COUNTY, MARYLAND  
ZRA 144 \*

\* \* \* \* \*

**MOTION:** *To recommend approval of ZRA 144 with modifications to text in Sections 121.G, 121.H, 121.J.4.A, and 121.L.*

**ACTION:** *Recommended approval; Vote 5 to 0.*

\* \* \* \* \*

On October 18 and November 1, 2012, the Planning Board of Howard County, Maryland, considered the petition of Marsha S. McLaughlin, Director, Department of Planning and Zoning for an amendment to the Zoning Regulations to create a new Section 121 in the Zoning Regulations to establish a new zoning district, the Community Enhancement Floating (CEF) District to provide flexibility to propose appropriate, well designed, context sensitive developments that reflect unique site, neighborhood and market conditions for certain properties within the Planned Service Area (PSA) for both Water and Sewer service.

The petition, the Department of Planning and Zoning Technical Staff Report and Recommendation, and the comments of reviewing agencies, were presented to the Board for its consideration. The Department of Planning and Zoning recommended approval of the petition based on findings that the proposed amendments are in harmony with the General Plan policies.

Mr. Theodore Mariani spoke in favor of the proposal, but wanted to make sure surrounding communities was informed early in the process, before the developer is too invested. He thought the role of the Design Advisory Panel should be emphasized and only projects that have outstanding design be allowed. He requested that the 10% change after the concept plan is approved should be lowered, but fully supported the mandatory density exchange. Mr. Sang Oh also spoke in support stating that he thinks it is a challenge to developers to do something special and that if the developer can sell a plan to the community, there should be few restrictions as to what is built.

Mr. Stuart Kohn spoke in opposition to the proposal with concerns of too much infill and increased density in the East without adequate public facilities to support it. He also asked that much of the subjective language be better defined. He questioned why change or mistake was not needed, and what the basis of approval for the district would be. Ms. Susan Mazzoni spoke in opposition, stating that the proposal allows developers to violate zoning code and also had concerns about the subjectivity of the language. Ms. Lisa Markovitz spoke in opposition stating that there needs to be transition between existing communities and the CEF development to protect the integrity of a neighborhood. She had concerns that the bulk regulations were

1 not well defined, leaving neighboring properties without anything to appeal and suggested there be a  
2 percentage limit on how much height or setbacks could deviate from the original zoning. She also  
3 recommended that minor modifications that did not increase the amount or intensity of the CEF development  
4 could be reasonable. Ms. Grace Kubofcik spoke in opposition stating that the General Plan only calls for the  
5 “consideration” of a Planned Unit Development, and recommended deferral to Comprehensive Zoning. She  
6 also had concerns about the minimum lot size of only 2 acres, and questioned why certain zones are exempt.  
7 Ms. Bridget Muguane spoke in opposition with concerns about the subjectivity of the language and strains on  
8 infrastructure, specifically roads. Ms. Cathy Hudson shared concerns about the subjective language and strain  
9 on infrastructure, and added that the proposal complicates planning for schools, and the process is time  
10 consuming for citizens who want neighborhood stability so they can focus on other concerns. She does,  
11 however, like the idea of the community getting something in return from the developer. Mr. Marc Norman  
12 opposed the proposal sharing many concerns of the others and stating that there is minimal control and no  
13 citizen recourse. He had concerns with rushing this ZRA through rather than waiting for Comprehensive  
14 Zoning. Mr. Stephen Cohen also opposed stating that the zone will cause citizens to have uncertainty about  
15 what may be built next to them.

16 In its deliberations on ZRA 144, one Board member stated that the process should be community  
17 driven and any development should be something that is truly a community enhancement. This Board  
18 member stated that there is a need for this type of zone for parcels that are difficult to develop because of the  
19 current zoning, but it needs to be an enhancement to the people that live there. This Board member also  
20 questioned the minimum parcel size of 2 acres. Another Board member agreed, but stated that the County’s  
21 zoning needs to be more flexible and there needs to be creative ways to import density to the East to keep the  
22 West rural. This Board member also noted that density and mixed-use is a good way to control traffic by  
23 increasing walkability. Another Board member stated that they liked the concept, but had concerns about the  
24 citizen’s feelings of helplessness and suggested adding language to the bulk regulations to help protect them.  
25 Another Board member agreed that community support is necessary, but it would be hard to get 100%  
26 support. This Board member stated that there was a lot of good in this proposal and agreed with citizens that  
27 the language is very subjective, but also stated that it is hard to define what is appropriate under different  
28 circumstances. The last Board member stated the bulk regulations would be provided by the developer in the  
29 concept plan and expressed concern about the minor modifications from the concept plan being at 10%. This  
30 Board member also questioned what would define the community if there is no surrounding residential, but  
31 agreed with other Board members that flexibility to define the community boundary is needed. Board  
32 members agreed that community concurrence on the “community enhancements” proposed by the Petitioner  
33 should have significant weight.

34 The Board discussed and agreed on specific recommendations:

- In the first sentence of Section 121.G to remove "one or more";
- Add to the end of Section 121.H 'and shall demonstrate an orderly transition between the development and surrounding properties.';
- Add Section 122.J .4.A.(14) "A statement or documentation of design modifications made in response to interaction with the community, as well as the range of community support."; and
- To change Section 122.L.1 and L.3 from 10 to 5 percent.

Mr. Tzucker made the motion to recommend approval of the petition with changes to Section 121.G, 121.H, and 121.J.4.A., 121.L.1 and L.3. Mr. Santos seconded the motion. The motion passed by a vote of 5 to 0.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 15th day of November, 2012, recommends that ZRA 144, as described above, be APPROVED.

HOWARD COUNTY PLANNING BOARD

David Grabowski JB  
David Grabowski, Chairman

Paul Yelder JB  
Paul Yelder

Josh Tzucker JB  
Joshua Tzucker

Bill Santos JB  
Bill Santos

Jacqueline Easley JB  
Jacqueline Easley

ATTEST:

Marsha S. McLaughlin  
Marsha S. McLaughlin, Executive Secretary